

Remarks

Claims 1-14 remain in this application. Claims 1 and 13 are now amended, without adding new matter. Claims 2 and 15-28 are now canceled.

1. Rejection of Claims 3, 4 and 13 Under 35 U.S.C. 112. Second Paragraph

Claims 3, 4 and 13 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner indicated that claims 3 and 4 recite the limitation "the common magnetic path" in line 1 of each of the claims, and there is insufficient antecedent basis for this limitation in the claims. The Examiner also indicated that claim 13 is vague and indefinite because there is no reference frame for "a lower end of the first radial component".

Applicants have now amended claim 1 to include the limitation from allowable claim 2 as follows "wherein the magnetic flux from the permanent magnet and the electromagnet shares a common magnetic path". As such, claim 1 now provides a more correct antecedent basis for the limitation "the common magnetic path" in line 1 of each of claims 3 and 4. Accordingly, claims 3 and 4 are believed to be allowable.

Applicants have now amended claim 13 to replace "lower" with --distal--. The term distal provides a more clear reference frame similar to use of the term distal in claim 14. Accordingly, claim 13 is now believed to be allowable.

2. Rejection of Claims 1, 5, and 10 Under 35 U.S.C. 102(b)

Claims 1, 5, and 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Olsen et al. (U.S. Patent No. 4,688,998.)

As discussed above, Applicants have now amended claim 1 to include the limitation from allowable claim 2 as follows "wherein the magnetic flux from the permanent magnet and the electromagnet shares a common magnetic path". As

discussed below, allowable claim 2 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims. Accordingly, independent claim 1 is believed to be allowable.

Claims 5 and 10, which each depend directly from claim 1, are believed to be allowable inasmuch as claim 1 is believed to be allowable.

3. Rejection of Claims 1, 5, and 10 Under 35 U.S.C. 102(b)

Claims 1, 5, and 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kletschka et al. (U.S. Patent No. 5,470,208.)

As discussed above, Applicants have now amended claim 1 to include the limitation from allowable claim 2 as follows "wherein the magnetic flux from the permanent magnet and the electromagnet shares a common magnetic path". As discussed below, claim 2 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims. Accordingly, independent claim 1 is believed to be allowable.

Claims 5 and 10, which each depend directly from claim 1, are believed to be allowable inasmuch as claim 1 is believed to be allowable.

4. Rejection of Claims 6-9 and 11 Under 35 U.S.C. 103(a)

Claims 6-9 and 11 stand rejected under 35 U.S.C. 103(a) as being anticipated by Olsen et al. or Kletschka in view of Kumar et al. (U.S. Patent No. 6,270,831.)

As discussed above, Applicants have now amended claim 1 to include the limitation from allowable claim 2 as follows "wherein the magnetic flux from the permanent magnet and the electromagnet shares a common magnetic path". As discussed below, claim 2 stands objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims. Accordingly, independent claim 1 is believed to be allowable.

Claims 6-9 and 11, which each depend either directly or ultimately from independent claim 1, are believed to be allowable inasmuch as claim 1 is believed to be allowable.

5. Allowable Subject Matter

The Examiner indicated that claims 2, 12 and 14 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

The Examiner indicated that claim 3, 4, and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth above and to include all of the limitations of the base claim and any intervening claims.

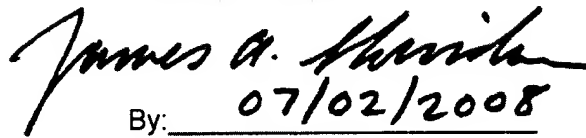
In order to expedite allowance, Applicants have now amended claim 1 to include the limitation from allowable claim 2 as follows "wherein the magnetic flux from the permanent magnet and the electromagnet shares a common magnetic path". As claims 3-14 each depend either directly or ultimately from independent claim 1, each of claims 3-14 is believed to be allowable.

In addition, Applicants have now canceled claims 2 and 15-28. Claims 15-28 were previously withdrawn, and Applicants expressly reserve the right to prosecute unelected subject matter in related patent applications.

Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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By: 07/02/2008

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